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Craig Barta

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EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

K/S

**Office Action Summary**

Application No.

10/646,375

Applicant(s)

BARTA ET AL.

Examiner

Lisa M Caputo

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/13/04(3)</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Preliminary Amendment***

1. Receipt is acknowledged of the preliminary amendment filed 9 January 2004.

### ***Double Patenting***

2. Claims 33-64 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,634,551 (hereinafter '551).

Although the conflicting claims are not identical, they are not patentably distinct from each other because in claims 33-64 of the instant application, applicants claim a system for delivering a plurality of unique items each having unique identities and each having a different machine readable code wherein the system comprises a delivery notice having a unique machine readable delivery notice code thereon, a code-reading device, and a code storing device. The '551 patent discloses a system for delivering a plurality of unique items each having unique identities and each having a different machine readable code wherein the system comprises a plurality of delivery notices, each of the delivery notices including a machine-readable delivery notice code, each of the delivery notice codes being unique within the plurality of delivery notices. The system also comprises a code-reading device and a code storing device. Although the scope of claims 33-64 of the present application and claims 1-32 of the '551 patent are very similar, the difference between the present claimed invention and the '551 patent is that the present claimed invention is a broader recitation of the '551 patent (i.e. the present claimed invention teaches only the use of only one delivery notice having a

Art Unit: 2876

unique machine readable delivery notice code thereon, whereas the '551 patent discloses the linking of a plurality of items together in one notice). Thus, with respect to the above discussions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of claims 1-32 of the '551 patent as a general teaching for setting up the system of delivering a plurality of unique items using delivery notices.

The nonstatutory, obviousness-type double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference number 800 is mentioned in the specification (page 5 line 18 and page 15 lines 19 and 22) but is not on Figure 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Art Unit: 2876

Figure 4 contains the reference number 401 but there is no reference number 401 in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities:

Regarding page 11 line 10: Replace "70" with --20--.

Regarding page 11 line 12: Replace "71" with --21--.

Appropriate correction is required.

### ***Claim Objections***

6. Claim 40 is objected to because of the following informalities:

Regarding claim 40, line 2: Replace "A)" with --E)--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2876

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 33-35, 37, 39-46, 48, 50-52, 54-55, 57, 59-62, and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monico (U.S. Patent No. 6,021,942) in view of Gulick (U.S. Patent No. 5,362,949).

Monico teaches a bar-coded label for "attempt to deliver" parcels. Monico discloses an exemplary business form according to the present invention is shown generally by reference numeral 10 in FIGS. 1-4. The form 10 comprises a sheet 11 of imagable material, typically paper, having top and bottom edges 12, 13 and first and second side edges 14, 15, a front face 16 (see FIG. 1), and a rear face 17 (see FIG. 2). Preferably the form is quadrate in configuration as illustrated in the drawings, the edges 12, 13 being substantially parallel to each other and substantially perpendicular to the edges 14, 15 (which edges 14, 15 are substantially parallel to each other). The form 10 also comprises one or more (e.g. at least two) lines of weakness, such as the two lines of weakness 18, 19 in the drawings. The lines of weakness 18, 19 may be any conventional lines of weakness such as score lines, crease lines, diecuts, or the like, but preferably are perforations as illustrated in the drawings. The lines 18, 19 are preferably substantially parallel to one or both of the edges 12, 13, and define the form

Art Unit: 2876

10 into various sections, including at least two sections. In the embodiment illustrated in the drawings the sheet 11 is divided into three sections, a first section 21, a second section 22, and a third section 23, although more than three sections may be provided (and perforations or like lines of weakness parallel to the edges 14, 15 may also or alternatively be utilized), or two sections may be provided in some circumstances. Part or all of the face 17 is covered with pressure sensitive adhesive. FIG. 2 illustrates three different repositional adhesive strips, blocks, or other patterns, 24, 25, and 26 associated with the sections 21-23, respectively. All three blocks or patterns of repositional adhesive 24-26 may be the same adhesive, applied continuously to the entire face 17. Preferably the adhesive blocks or patterns 25, 26 are repositional adhesive (such as "CLEANTAC" adhesive available from Moore U.S.A., Inc. of Lake Forest, Ill.) of any conventional type, and preferably the adhesive 24 is also repositional adhesive, although it may be permanent adhesive or removable adhesive in some circumstances. A conventional release liner 28 (see FIGS. 2-4) is preferably provided covering the adhesive 25 in the second section 22 of rear face 17. The release liner 28 is of any conventional release liner material, such as silicone coated paper. The purpose of the release liner 28 is to protect the adhesive 25 even when the third section 23 has been removed and the first section 21 is adhered to a package (as will be further described). While in the preferred embodiment--which includes providing the business form 10 in a pad or like form, such as the pad 29 illustrated in FIG. 3--if the forms 10 are provided as individual sheets preferably a release liner is provided to cover up the adhesive 24, 26 in the sections 21, 23 also. FIG. 3 illustrates a pad 29 of business

Art Unit: 2876

forms 10 according to the invention. Typically all of the forms in the pad 10 are identical except for identification indicia thereon. The pad 29 includes a backing, which may be of paper (including paper having a release coating), cardboard, or the like, 30. The repositional adhesive on each of the sections 21, 23 engages the repositional adhesive on the like, underlying form 10, and since the adhesive is repositional each form will readily separate from the others. If desired one or more positions of each of the forms 10--such as the corner portion 31 illustrated in FIG. 2--may be devoid of adhesive so as to facilitate easy removal of the forms 10 from the pad 29. If the adhesives 24, 26 utilized for the forms 10 in the pad 29 are particularly aggressive, or are not repositional, it may be desirable to coat the front face 16 of each of the forms 10 with a release coating, such as silicone. If the forms 10 include release liners covering all of the sections 21-23, then the forms 10 may either be individual sheets, or if connected in a pad may have conventional binding materials joining all of the forms 10 at the top edges 12 thereof, to each other and to a backing 30. The forms 10 also have indicia imaged on the front face 16 thereof, and the particular indicia utilized according to the invention greatly facilitates utilization of the forms 10 for package delivery functions. Preferred indicia utilized according to the invention is best seen in FIG. 1. The first section 21 typically includes identification indicia shown generally by reference 33 in FIG. 1, and including a machine-readable (e.g. bar code) part 34, and a human-readable part 35. The first section 21 also comprises a plurality of (at least two, and preferably at least three) reason for non-delivery indicia. These indicia all include a machine-readable (e.g. bar code) part 36 and a corresponding human-readable part 37. The particular reason



Art Unit: 2876

for non-delivery indicia illustrated in FIG. 1 include "wrong address", "consignee moved", "consignee not at home", "office closed", "damaged", "refused delivery", "not delivered (no time)", "wrong route", and "other". The "other" indicia is followed by lines 38 facilitating the entry of handwritten information. The above reasons for non-delivery are exemplary only and different or other wording and/or reasons may be provided. The third section 23, which may be connected directly to the first section 21 if the second section 22 is not provided, preferably includes indicia 133 in common with the indicia 33 (except having an extender indicating the first attempt at delivery). This includes a machine-readable part 134 and a human-readable part 135, with the extenders 40, 41. The indicia imaged on the third section 23 also preferably includes human-readable indicia 42 (e.g. "first attempt") indicating a first attempt to deliver a package, and preferably also includes a toll-free telephone number indicia 43 to call if an indicated redelivery time is inconvenient, to request redelivery, and/or for questions, and one or more blank areas 44 for the entry of handwritten indicia indicating potential other delivery dates or times. Also there may be indicia 45 indicating that if the addressee/consignee would like the package merely left at the door that he or she can sign at the indicia 46 and on the next delivery the package will merely be left at the door. Other suitable indicia also may be provided, as illustrated in the example in FIG. 1. The second section 22 also includes identification indicia 233, but with a different extender 240, 241, the indicia 233--except for the extender--in common with the indicia 33, 133. Attempted delivery indicia ("second attempt") 48 also is provided, as well as the toll-free telephone number 43, and any other suitable notification indicia, such as the

Art Unit: 2876

indicia 49 illustrated in FIG. 1. If multiple attempts will be made by the courier delivery service, the second section 22 may be substantially identical to the first section 23 (except for the extenders 240, 241 and the indicia 48) and other sections for third or subsequent attempts may also be provided. The business forms 10 according to the present invention facilitate the practice of a method of accurately delivering packages, with automated entry into a database of a wide variety of information being provided. An exemplary method according to the present invention will be described most particularly with respect to FIG. 4. A courier or delivery service driver unsuccessfully attempts to deliver a package 51 to an addressee/consignee, the address 52 (as well as typically return address 53) being provided on the package 51. When the attempt is known to be unsuccessful, the driver scans one of the machine-readable indicia elements 36 (corresponding to the correct human-readable indicia 37) using a conventional scanner 54 of any type (i.e. handheld as recited in the instant application). Typically only one indicia element 36 can be scanned for a particular identification indicia 34, but under some circumstances programming may be provided to allow more than one reason for non-delivery to be scanned. The driver also scans in the I.D. number 34 of the form 10, both the I.D. number 34 and the reason for non-delivery 36 being transmitted to a suitable database in a computer 55 which may be in the driver's possession, or electronically connected in some conventional manner to the scanner 54 and at a central location... (see Figures 1-4, col 3 line 62 to col 6 line 59).

Regarding claims 33-35, 37, 39-46, 48, 50-52, 54-55, 57, 59-62, and 64-66 Monico fails to teach that there are a plurality of items linked together in a single barcode on one notice (i.e. machine readable item codes are read from the items).

Gulick teaches a packing house control system. Gulick discloses that the system identifies the contents, packer, and other management information of a container by the use of a single machine readable code decal manually affixed to the container instead of a multiplicity of decals (see col 3, lines 9-21). Gulick discloses that although equipment and programming are used in the present invention, these features are within the art and easily obtained and incorporated. The invention resides in the system displayed and explained herein. Because the first reduction to practice is taking place in a citrus packing house, reference generally will be directed to citrus packing. The invention lends itself with minor adaptation such as addition or deletion of optional scanners, printers, sortation computers and the like, for packing individual goods in shipping containers and other assembly line type of product handling. In the FIG. 1, a packing unit 10 consists of a plurality of packing stations 12. A primary data generating device classifies the contents of the container being packed at that station. The packer in station 12 affixes a unique marking device on the carton and presses a "packed" button 15, (See FIG. 2). The contents of the box are then represented by the unique marking device, such as a bar code label, and this information is stored in the main computer. Again, a secondary data generating device may be used for supplemental information. A code reader, such as a bar code scanner 16, is placed in position to decipher coded labels placed on the containers as they pass by the scanner on the way

Art Unit: 2876

to a terminus. The decoded unique information is directed to the main computer for determination of the contents of the box. The main computer relays the contents of the box to printing device 18 and a sortation computer 42. In the illustrated embodiment of the invention, an ink jet printing station 18 is placed after the scanner 16 for printing information as to size, brand, or other such information on the box at station 18.

Thereafter, the box is moved to a sortation station 20 where it and other boxes are directed onto loading chutes according to size, brand, or other necessary and desired information. This invention is in the embodiment of a control system to control an entire packing house program. The intent is to provide efficiency and to reduce human involvement, error and conflict. To carry out these goals, information is deposited and withdrawn from a central computer in a manner that will provide this control efficiently.

A central computer 22 and a backup computer 24 consist of microprocessor, hardware and software. At the beginning of the packing process, a unit foreman enters the data required to define the contents of the cartons being packed at each packing station into the central computer. Selected portions of this packing information are transferred from the central computer to the data generating device. This information for each individual packing station is displayed on a station data generating device LCD screen 38. See FIG. 2. This information may be changed during the packing process by the foreman or by the packer employee at the direction of the foreman. If the packer makes the change, the foreman can view the change on the central processing unit 22 CRT screen to insure that the packer made the change correctly. See FIG. 2. At each work packing station 12 is a microprocessor 28 which is a data generating device. Each data

Art Unit: 2876

generating device has a series of mode keys 30 which are indicated by the drawings as spur 1 through spur 6. In order to aide those who have difficulty in reading, symbols are used to guide the packer in use of the data generating device 28. When a packer is assigned to a packing station in the packing unit, that packer presses spur 4 along side the symbol of a person placing objects in a box. Each station data generating device generates an ASCII code peculiar to that particular packing station. The code is sent to the computer 22 and initiates a response from the computer 22 directing the packer to key in the packer's assigned work number. The request will be displayed on the LCD screen 38. The worker uses a key pad 32, each with an ASCII code generating system, to inform the computer 22 and 24 of the packer's number. That number is then stored in memory in the central processor and can be read at any time for other purposes. No packing data is permanently stored in the station data generating device 28. Before the packer begins shift work, a roll of machine readable labels is provided and the labels are dedicated to that particular packer for that particular work period. A roll of labels with this encoded information also contains a sequential number in order that the first box packed may contain the lowest, and the final box packed the highest number, so that visual mathematical confirmation can be made at the end of the work period as to the number of boxes packed. When the packer first activates spur 4, the LCD screen 38 will reveal the lowest number on the roll of labels and will update each time the packer presses packed button 15. The use of applied coded labels is similar to prior art practice, except that only one uniquely coded label is needed for each carton under this system to completely control the packing house operation in an improved and more cost

Art Unit: 2876

effective manner. The information put into the computer 22 from a foreman's station 36, together with the packer identification label placed each carton and the input from button 15, enables the system of this invention to completely control the packing process. In the prior art, when up to three or four labels with various codes are placed on the carton, there is always the chance that the carton may be removed from the conveyor line prior to reaching the scanning device, thereby losing all track of the packed carton. In this invention, the packed boxes, bearing one coded label, pass from the packing unit 10 on a conveyor 14 to a scanner reading station 16. There is no way to prevent the removal of boxes from the conveyor prior to reaching the scanner 16, but the packer, having pressed button 15 with each box packed, will accurately record the number of boxes that should arrive at the scanner 16. If there is a discrepancy, the matter can be investigated at once and resolved between packer and management. When the packer punches the packed button 15, it informs the computer 22 and its redundant computer 24 that a box has been packed and provides the coded information for the control computer 22. This information is now available for all future uses including carton printing, carton sortation and stacking, as well as sales and accounting information. It also monitors the number of boxes a particular person packs, the number of boxes per unit of time packed, and whether the packing rate per carton is generating enough earnings to guarantee minimum wage. The packed box travels from the packing station to the scanning station by means of a conveyor system. Before the packed box arrives at the scanning and printing station, the packed box is conveyed onto a timing belt (not shown) which is moving at a rate of speed greater than the

normal conveying system, thereby creating gaps between packed cartons. When the scanner sensor sensing a carton the scanner is turned on and all coded information on top of the carton is read. When the scanner senses the carton has passed, it turns off the scanner and transmits all coded information to the central computer 22. The central computer transmits information about the contents of the packed carton to the printing station. When the printing station senses the carton, the printing commences. The central computer 22 also transmits information to the sortation computer 42 which determines the destination of the box in the sortation lineup (see Figures 1-2, col 4 line 14 to col 6 line 23).

In view of the teaching of Gulick, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the barcode condensing system of Gulick to the package delivery service of Monico because having one barcode that can access information for a plurality of items is favorable because in this way the plurality of delivery notices will not be misplaced and the labor intensive shipping labels can be avoided. In addition, the information will be stored in a centralized database that will keep all of the information together. It is appropriate to combine these references because in combination they teach the invention of linking the plurality of delivery notices together, wherein Monico teaches the scanning and storing of the delivery codes and Gulick teaches that condensing of identifying information into one barcode.

9. Claims 36, 38, 47, 49, 53, 56, 58, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monico as modified by Gulick and further in view of Knowles et

al. (U.S. Patent No. 5,869,819, from hereinafter "Knowles"). The teachings of Monico as modified by Gulick have been discussed above.

Monico as modified by Gulick fails to disclose that an Internet connection is used for receiving data.

Knowles teaches an internet-based system and method for tracking objects bearing URL-encoded bar code symbols. Knowles discloses a novel Web-based package routing, tracking and delivering system and method that uses URL/ZIP-CODE encoded bar code symbols on parcels and packages. The system comprises one or more Routing, Tracking and Delivery (RTD) Internet Server Subsystems connected to the Internet infrastructure and updated at any instant of time with package tracking information. A Package Log-In/Shipping Subsystem is located at each shipping location and connected to the RTD Internet Server by way of the Internet infrastructure. A Package Routing Subsystem is located at a hub station and connected to the RTD Internet Server by way of the Internet infrastructure. A Portable Package Delivery Subsystem is carried by each package delivery person, and connected to the RTD Internet Server by way of the Internet infrastructure communication link. At each remote hub station within the system, the URL/ZIP-CODE encoded bar code symbol is automatically scanned by way of the Internet infrastructure; the encoded destination Zip Code is locally recovered and used to route the package at the hub station; and the locally recovered URL is used to access the RTD Internet Server and update the location of the package within the system. The Portable Package Delivery Subsystem is used to read the URL/ZIP-CODE encoded bar code symbol near the delivery



Art Unit: 2876

destination in order to access the RTD Internet Server and display delivery information and the like to facilitate the delivery process (see abstract).

In view of the teaching of Knowles, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an internet connection for transmitting data because it is well known in the art that the internet is a reliable, convenient, and safe way to transmit data.

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**[lisa.caputo@uspto.gov](mailto:lisa.caputo@uspto.gov)**].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMC

October 13, 2004

  
**DIANE I. LEE**  
**PRIMARY EXAMINER**